

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

Case No. 3:03CR181-W

UNITED STATES OF AMERICA

v.

GARY DEAN WHITE

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ORDER

THIS MATTER is before the Court upon the Defendant's Motion to Compel and Supplemental Information in Support of a Prior Motion to Withdraw Plea.

On August 31, 2006, the Court gave Defendant sixty (60) days to and including Monday, October 30, 2006, to research and submit support for his Motion to Withdraw Plea. On October 30, 2006, Defendant filed a written document and exhibits purporting to support his Motion to Withdraw Plea.

In the filing of October 30, 2006, Defendant, however, also (1) sought to compel the United States Probation Office to produce a list of defendants in this District who have been issued a "Violation Report / Notification of Bond Violation" over the last five years and (2) sought an additional thirty (30) day continuance. First, attempting to compel the United States Probation Office, an agency of the Judicial Branch, is akin to trying to compel the Court, itself. Second, Defendant should not have waited to the last minute to request an additional thirty (30) days when Defendant's Motion to Withdraw Plea has been pending since April 21, 2006, and has already had two hearings, one before both a Magistrate Judge and one before the undersigned District Court Judge. And third, this Court graciously gave Defendant sixty (60) days to prepare the filing

submitted on October 30, 2006, amply time to have done the research necessary to support his Motion. Thus, even if the Defendant could compel the United States Probation Office, additional time is simply unnecessary.

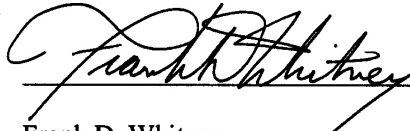
NOW THEREFORE, Defendant's motion to compel the United States Probation Office is denied.

AND FURTHERMORE, Defendant's motion for an additional thirty (30) days is denied.

The Clerk of Court is directed to set Defendant's Motion to Withdraw Plea for a final hearing during the week beginning Monday, November 6, 2006.

IT IS SO ORDERED.

Signed: October 30, 2006


Frank D. Whitney
United States District Judge

